

## RULEMAKING NOTICE FORM

Notice Number \_\_\_\_\_

Rule Number Env-A 1800

1. Agency Name & Address:

**Dept. of Environmental Services  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095**

2. RSA Authority: RSA 141-E:4,II

3. Federal Authority: 42 U.S.C. §7412(l)

4. Type of Action:

Adoption \_\_\_\_\_

Amendment \_\_\_\_\_

Repeal x

Readoption \_\_\_\_\_

Readoption w/amendment x

5. Short Title: ASBESTOS MANAGEMENT AND CONTROL

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rule implements RSA 141-E by establishing asbestos abatement standards and notification, recordkeeping, and fee requirements. It also incorporates by reference most of 40 CFR 61, Subpart M, the national emission standard for asbestos. EPA has delegated its authority to implement the federal standard to DES, pursuant to section 112 of the Clean Air Act. The rule will expire on April 1, 2005 unless readopted prior to that time. Among the changes proposed for Env-A 1800 is that all of the definitions specifically related to asbestos will be moved from Env-A 101 to Env-A 1802. In addition, the section on right of entry, Env-A 1804.02, will be repealed since that authority is clearly defined in RSA 141-E:13. The additional requirement of a visual inspection to be performed by an independent industrial hygienist under Env-A 1805.08 prior to clearance testing should not create additional work for the hygienists, as it is their standard practice to look for visible residue prior to conducting such testing.

6. (b) Brief description of the groups affected:

The rule applies to any person who owns or operates any building containing regulated asbestos-containing material (RACM) and who either renovates or demolishes the building, and any person involved in asbestos abatement activities, including analytical laboratories, consultants and asbestos abatement contractors. The owner of a private, single-family residence occupied by the owner who performs asbestos abatement activities on the residence is subject only to the asbestos removal procedures and disposal requirements in Env-A 1805.06 and 1805.07.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<b>Provision of the Proposed Rule</b>	<b>Specific Section of State or Federal Statute or Regulation which the Rule Is Intended to Implement</b>
<b>Env-A 1801</b>	<b>RSA 141-E:1</b>
<b>Env-A 1802</b>	<b>RSA 141-E:2; RSA 141-E:4,II</b>
<b>Env-A 1803</b>	<b>RSA 141-E:3,II(d) &amp; (e); RSA 141-E:12,II</b>
<b>Env-A 1804</b>	<b>RSA 141-E:3,II(g) &amp; (j)</b>
<b>Env-A 1805 &amp; 1806</b>	<b>RSA 141-E:3,II(a); RSA 141-E:9</b>
<b>Env-A 1807</b>	<b>RSA 141-E:4,II(a)(3); 42 U.S.C. 7412; 40 CFR 61, Subpart M</b>

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Barbara Hoffman**

Title: **SSMB Planning Manager**

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P.O. Box 95  
Concord, NH 03302-0095**

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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules can be viewed and downloaded at  
<http://www.des.state.nh.us/ard/prpsdrul.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **December 27, 2004, at 4:00 p.m.**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **December 15, 2004, at 1:00 p.m.**

Place: **29 Hazen Drive, Concord, NH, Room 110**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:209 , dated October 19, 2004

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules readopt existing rules with only minor changes. Accordingly, the proposed rules do not violate Part I, Article 28-a of the New Hampshire Constitution, because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state.